

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to rescind Chapter 57, “Interim Assistance Reimbursement,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Interim Assistance Reimbursement is a federal program that allows county assistance agencies to recover funds expended for basic needs of food, clothing and shelter for a county resident who has applied for Supplemental Security Income (SSI). The Department has an agreement with the Social Security Administration to allow the state of Iowa to participate in the program. The Department then enters into agreements with the county assistance agencies for their participation.

When a county resident agrees to participate in the program, the Social Security Administration will issue all or part of the resident’s SSI cash benefits for past months directly to the authorized county agency to reimburse for expenses the county agency paid in each month. Agreement to participate in the program will also protect the resident’s application filing date for SSI if the resident and the county agency follow up within the Social Security Administration’s designated time limits. All case processing is done by the county agency. The resident may appeal to the county agency if the resident disagrees with the amount of funds distributed.

This Notice is published to solicit comments on rules that were Adopted and Filed Without Notice on July 21, 2010, and are published herein as **ARC 8990B**. That rule making:

- Adds county commissions of veteran affairs to the definition of “county agency.”
- Removes requirements that are more appropriately reserved for inclusion in the agreement between county agencies and the Department. New agreement language has been issued by the Social Security Administration. The Department will be entering into new agreements with county agencies that will take effect on September 25, 2010. Taking the agreement provisions out of the rules will allow agreements to be modified more easily when changes are needed to administer the program.
- Removes a provision for automatic renewal of the agreement between the Department and the county agency. The Department had considered requiring periodic review of the agreement, but has determined that these agreements are not “service contracts” within the meaning of Iowa Code chapter 8F.
- Provides that county agencies shall submit Form 470-1947, Certificate of Authority, directly to the Social Security Administration, with a copy to the Department.

These rules do not provide for waivers in specified situations because participation in this program is limited to agencies that enter into an agreement with the Department. Conditions for participation are dictated by an agreement between the Social Security Administration and the state.

Any interested person may make written comments on the proposed rules on or before August 31, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).